HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 20652 of 2005

Dated: 08-08-2007

Between:

Grama Parirakshna Committee,
Obulavaripalli Mandal,
Kadapa District.

..... PETIT

AND

The Director of Mines Safety,
Nampally, Hyderabad and 3 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 20652 of 2005

O R D E R:

This writ petition is filed for the following substantive relief:

> "To issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents particularly respondent No.2 and 3 in dumping the waste in Sy.No.120 of Mangampeta village in Obulavaripalli Mandal of Kadapa District and also in causing earth vibration as well as air pollution and noise pollution during the mining operation of barytes without following the guidelines issued by the 1st respondent and without resorting to control blasting system as illegal, unjust, arbitrary and against Rule 27(h) of the Mineral Concession Rules 1960 and rule 33 and other rules of Mineral Conservation and Development Rules 1988 besides Article 21 of the Constitution of India and consequently direct the respondents No.2 and 3 not to dump waste in Sy.No.120 of Mangampeta village in Obulavaripalli Mandal of Kadapa District during the mining operations of barytes besides adhering to control blasting system so as to prevent earth vibration and noise and sound pollution and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Sri L.J.Veera Reddy for the petitioner and Sri V.Subrahmanyam for respondents 2 and 3.

At the hearing, Sri L.J.Veera Reddy, learned counsel for the petitioner, stated that while admitting the writ petition, this Court on 27-09-2005 granted the following interim direction:

> "Pending further orders, it is directed that the respondents shall not permit or cause to be dumped any over-burden resulting in Mining Operations at Mangampet, Obulavaripalli Mandal, Kadapa District in Sy.No.120 of that village. It is, however, made clear that it shall be open to the fourth respondent to dump such over-burden in the dumping yard, identified by respondents 2 and 3, which finds a mention in the tender notice. "

Learned counsel for the petitioner stated that in pursuance of the above reproduced interim order, respondent No.4 who is the contractor of respondent

No.3 stopped dumping the overburden within the prohibited distance from the houses in the village.

Having regard to the statement made by the learned counsel for the petitioner, there is no need to pass any further orders in this writ petition as the interim order of this Court had worked itself out. It is, however, made clear that if the respondents resume dumping the overburden contrary to the provisions of law, liberty is given to the petitioner to avail the remedies available to it under law.

Subject to the above observation, the writ petition is disposed of. No costs.

C.V.NAGARJUNA REDDY,J

Date:08-08-2007
KLP